

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Palmdale for an order authorizing the City to replace the existing Avenue S Overhead. The concerned tracks are the property of the Union Pacific Railroad Company located in the City of Palmdale, Los Angeles County, State of California.

Application 02-02-009
(Filed February 11, 2002)

O P I N I O N**Summary**

City of Palmdale (City) requests authority to reconstruct the existing Avenue S overhead grade separation bridge structure over Union Pacific Railroad Company's (UP) Colton Cutoff tracks in Palmdale, Los Angeles County.

Discussion

The existing overhead grade separation bridge structure was built in 1967 and carries Avenue S over UP's tracks, formerly owned by the Southern Pacific Transportation Company. The structure is a six-span bridge and is approximately 333 feet in length. It has a travel way width of approximately 28 feet to accommodate 2 lanes of traffic. Outside of the vehicular travel way, there is a 5-foot wide sidewalk on the south side of the bridge.

City proposes to replace the existing overhead grade separation bridge structure with two new structures, one for westbound traffic direction and another for eastbound traffic direction. Both structures are to be three-span

bridges, both approximately 280 feet in length, measured along the centerline of Avenue S, and both will have vehicular travel way width of approximately 40 feet to accommodate two or three lanes of traffic on each structure. The westbound structure will have a five-foot wide raised concrete pedestrian walkway, and the eastbound structure will have a 12-foot wide raised concrete bikeway.¹ Both structures are to be Cast-in-Place/Prestressed Concrete Box Girder bridges with barriers and fencing. The two structures will be separated by about 11 feet.

During construction of the overhead grade separation bridge structures, a temporary impaired vertical clearance of 21 feet 0 inches will be required.

The estimated average daily traffic (ADT) on Avenue S at the time of completion of the replacement project is 41,575 vehicles. The estimated ADT in Year 2020 is projected to be 63,360.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code (PR Code) Section 21000 et seq. Under Section 21080.13 of the PR Code, any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation is categorically exempt from the filing requirements of CEQA. Nevertheless, City has given this project detailed consideration as to the potential impact upon the environment.

On April 18, 2001, City filed with the Los Angeles County Clerk's Office a Notice of Determination, which found that (1) the project will not have a significant effect on the environment, and (2) the City approved a Mitigated

¹ California Department of Transportation designated Class I Bikeway.

Negative Declaration, dated April 11, 2001 for the Avenue S Corridor Widening project, which encompasses the subject grade separation reconstruction.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's Mitigated Negative Declaration and Notice of Determination. No potential environmental impacts were identified in the environmental documents related to areas within the Commission's permitting authority: safety, security, transportation and noise. The nine mitigation measures adopted by the City were primarily related to cultural resources, seismic design and vegetation. Further, we note that under Section 21080.13 of the PR Code, any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation is exempt from CEQA. We are not aware of any information to suggest the City adopted mitigation measures for the project which are not feasible. Accordingly we will adopt the City's findings and mitigation measures for purposes of our approval.

The site of the project has been inspected by the Commission's Rail Safety and Carrier Division — Rail Crossings Engineering Section staff. Staff examined the need for and the safety of the proposed overhead grade separation bridge structure reconstruction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 39 of the Rules of Practice and Procedure, which relates to the widening, relocation or otherwise alteration of an existing crossing. A site map of the grade crossings is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3082, dated February 21, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3082.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day effective period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on February 15, 2002. No protests have been received. A public hearing is not necessary.
2. City requests authority, under Public Utilities Code Sections 1201-1205, to reconstruct the existing Avenue S overhead grade separation bridge structure over UP's Colton Cutoff tracks in Palmdale, Los Angeles County.
3. The Avenue S overhead grade separation will serve public need by providing a safe access route over the railroad tracks.

4. Public convenience, necessity and safety require the reconstruction of Avenue S overhead grade separation bridge structure.

5. A temporary impaired vertical clearance of 21 feet 0 inches will be required during construction.

6. City is the lead agency for this project under CEQA, as amended. On April 18, 2001, City filed with the Los Angeles County Clerk's Office a Notice of Determination, which found that (1) the project will not have a significant effect on the environment, and (2) the City approved a Mitigated Negative Declaration, dated April 11, 2001 for the Avenue S Corridor Widening project, which encompasses the subject grade separation reconstruction.

7. The Commission is a responsible agency for this project and has reviewed and considered the City's Notice of Determination and Mitigated Negative Declaration.

Conclusions of Law

1. This order should be effective immediately as City wishes to commence construction of the project at the earliest possible date.

2. We find that the City adopted feasible mitigation measures and adopt the City's findings and mitigation measures for purposes of our approval of the project.

3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. City of Palmdale (City) is authorized to reconstruct Avenue S overhead grade separation bridge structure, identified as Crossing No. BB-415.8-A over the

Union Pacific Railroad Company's (UP) Colton Cutoff tracks in Palmdale, Los Angeles County.

2. Clearances shall be in accordance with General Order (G.O.) 26-D; except that during the period of construction, a vertical clearance of not less than 21 feet 0 inches above top of rail is authorized, and UP shall be authorized to operate with such reduced overhead clearance provided that the railroad issues instructions (and files them with the Commission's Rail Safety and Carriers Division) limiting the height of loads beneath the structure.

3. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement, together with plans of the project approved by UP, shall be filed with the Commission by City prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work was completed.

6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

7. The application is granted as set forth above.
8. Application 02-02-009 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

SITE MAP



